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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,890	09/22/2006	Tesujiro Kondo	450100-05480	4739
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
EXAMINER ZAMAN, FAISAL M				
ART UNIT 2111		PAPER NUMBER		
MAIL DATE 08/26/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/593,890	Applicant(s) KONDO ET AL.
Examiner Faisal M. Zaman	Art Unit 2111

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 August 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Faisal M Zaman/
Patent Examiner, Art Unit 2111

Continuation of 11, does NOT place the application in condition for allowance because: McFadden, Kanda, and Nakatsugawa teach all of the limitations of the argued claims, as discussed in the Final Office action.

Regarding the combination of McFadden with Kanda, Applicant argues that "Kanda merely read out image from a disk and does not transfer images among devices using satellite that is the field of McFadden. Therefore, McFadden and Kanda are not in the same field of endeavor." (Response, page 12, first paragraph). The examiner disagrees. Contrary to Applicant's argument, McFadden and Kanda are in fact in the same field of endeavor. Based on Applicant's argument, it appears that Applicant is viewing the field of disclosures of McFadden and Kanda too narrowly. Both of the references are related to transfer of image data between various components to ultimately be output to a display. See McFadden, Column 1, lines 11-16 and Kanda, Figure 4, "Video Output". Accordingly, it can be seen that McFadden and Kanda are in fact in the same field of endeavor.

Also regarding the combination of McFadden with Kanda, Applicant argues that "McFadden and Kanda, if their elements are mechanically added, would produce a more expensive device than either McFadden or Kanda for at least the additional functions and elements added to each other." (Response, page 12, second paragraph). However, the motivation stated in the Final Office action was not only related to the expense of the combined system, but also for "reproducing a still picture of good quality". As is clear, placing the noise reduction circuit 27 of Kanda into the system of McFadden would improve the quality of the images in McFadden. Accordingly, although the system of McFadden may have a slight increase in expense, the combination would still provide an inexpensive information reproducer capable of reproducing a still picture of good quality, as stated in the Final Office action.

Regarding the combination of McFadden and Kanda with Nakatsugawa, Applicant argues that "[n]othing in the disclosure of Nakatsugawa suggests that image data are transferred during the communication. Therefore, Nakatsugawa is not in the same field as that of Kanda or McFadden." (Response, page 12, third paragraph). The examiner disagrees. Contrary to Applicant's argument, Nakatsugawa is in fact related to transfer of image data during a communication. As stated in Column 1, lines 58-61 of Nakatsugawa, one the "appliances" is a DVD player. As is known in the art, a DVD (digital video disc) contains images that are used to be output to a display. Accordingly, it is clear that Nakatsugawa is in fact in the same field of endeavor as McFadden and Kanda.

Regarding Claim 1, Applicant argues that "it is incorrect to interpret a switch signal as 'information related to the image quality improvement processing,'" and "[t]he item 'a' of Kanda merely changes the position of the above-identified switches and is not related to image quality improvement processing." (Response, page 13, first paragraph). The examiner disagrees. Contrary to Applicant's argument, Kanda does in fact teach the argued feature. The claim language fails to recite in any way how exactly the "information" is "related to the image quality improvement processing." Kanda teaches that a common command 'a' is used to enable a noise reduced version (item 27) of image data to be output from the D/A converter 14. Accordingly, the common command 'a' is "related to the image quality improvement processing".

Therefore the claims stand as previously rejected.